

UNITED STATES DISTRICT COURT

for the

United States District Court
Southern District of Texas
FILED

APR 29 2020

David J. Bradley, Clerk of Court

RONALD THOMAS DRAKOS II

Petitioner

v.

Case No. _____

(Supplied by Clerk of Court)

ED GONZALEZ

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

OR IN THE ALTERNATIVE 28 U.S.C. § 1331

Personal Information

1. (a) Your full name: RONALD THOMAS DRAKOS II
- (b) Other names you have used: RONALD THOMAS DRACOS
2. Place of confinement:
 - (a) Name of institution: HARRIS COUNTY SHERIFF DEPARTMENT
 - (b) Address: 541 1200 BAKER STREET, HOUSTON, TX. 77002
 - (c) Your identification number: 01715680
3. Are you currently being held on orders by:

☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:

☒ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☐ Being held on an immigration charge

☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: 262ND DISTRICT COURT, 201 CAROLINE HOUSTON TEXAS 77002

(b) Docket number, case number, or opinion number: 1050428

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I challenge my pretrial detention And conditions of confinement continued detention Violates my Fifth Amendment rights by exposing me to substantial risk of illness And Death from the expanding presence of COVID-19 in the jail.

(d) Date of the decision or action: 10-18-2019

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: 262ND District Court, Harris County, Texas.

(2) Date of filing: ON OR ABOUT 03/13/2020

(3) Docket number, case number, or opinion number: CAUSE NO. 1050428

(4) Result: Ignored by Court

(5) Date of result: 04/26/2020

(6) Issues raised: Motion for personal bond due to COVID-19 Pandemic AS I HAVE UNDERLYING HEALTH conditions that put me at high risk of death from Covid-19 And that I would stay home And Self quarantine if released.

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal:

*It would be futile and cause irreparable harm.*9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

*It would be futile and cause irreparable harm.*10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
 (2) Case number: _____
 (3) Result: _____
 (4) Date of result: _____
 (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
 (2) Date of filing: _____
 (3) Case number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
 (b) Name of the authority, agency, or court: _____
 (c) Date of filing: _____
 (d) Docket number, case number, or opinion number: _____
 (e) Result: _____
 (f) Date of result: _____
 (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: *Challenging detention because of danger posed to me by the Covid-19 pandemic. Continued detention violates my Fifth Amendment rights by exposing me to substantial risk of illness and death because of my Asthma, breathing problems, poor immune system and other health conditions.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

During the COVID-19 pandemic, social distancing and hygiene measures are my only defense against contracting covid-19. Due to the limited supplies of PPE and cleaning solutions and the cramped space with over 7000 inmates these measures are impossible to implement or accomplish in the jail. Even with the protective measures the jail has implemented the virus has and is still spreading rapidly throughout the jail from 3 to over 100 positive cases in 2 weeks.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: *Violation of Fifth Amendment right to substantive and procedural due process. (Unlawful Punishment)*

(a) Supporting facts (Be brief. Do not cite cases or law.):

Continued detention violates the due process clause because petitioner is a pretrial detainee subject to death if he is not released.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: *If any - it would be futile to pursue and cause and/or allow irreparable injury to happen to petitioner.*

Request for Relief

15. State exactly what you want the court to do: *I request to be freed from cruel and unusual punishment and unreasonably poor conditions of confinement. Petitioner requests this court issue Writ of Habeas Corpus, Adopt the motion for TRO and preliminary injunction filed in SKYLER RICE SKYER THOMAS RICE V. Ed Gonzalez civil Action # 4:20-CV-01354 and GRANT said motion for TRO ordering the immediate release of petitioner on petitioners own recognizance pending his preliminary proceedings.*

*INTERESTED NON-PARTY
OF 4:20-CV-01354*

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

04/26/2020

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

04/26/2020


Signature of Petitioner

Signature of Attorney or other authorized person, if any

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: RONALD THOMAS DRAKOS

SPN: 01715680 Cell: 541

Street: 1200 BAKER STREET

HOUSTON, TEXAS 77002



INDIGENT



APR 29 2020

David J. Bradley, Clerk of Court



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UNITED STATES DISTRICT COURT OFFICE

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